

AMENDED IN SENATE MAY 6, 2003
AMENDED IN SENATE APRIL 24, 2003
AMENDED IN SENATE APRIL 10, 2003

SENATE BILL

No. 544

Introduced by Senators Chesbro and Ashburn

February 20, 2003

An act to amend Section 6107 of, *and to add Section 27266 to*, the Government Code, relating to veterans.

LEGISLATIVE COUNSEL'S DIGEST

SB 544, as amended, Chesbro. Veterans: recorded documents.

(1) Existing law prohibits any public entity from charging any fee for recording, indexing, or issuing certified copies of specified documents related to service in the ~~Armed Forces~~ *armed forces* of the United States, including any public record required to apply for and receive benefits from the Veterans Administration or any other federal or state benefits. Existing law further requires that recording, indexing, or issuing certified copies of these documents be rendered on request of a United States official, a claimant or applicant, or the guardian, conservator, or attorney of the claimant or applicant, or any other person acting on behalf of the claimant or applicant.

This bill would provide that copies of veterans' records may be furnished only to the person who is the subject of the record upon presentation of proper photo identification, to a spouse, child, *parent*, or legal representative, as specified, or to a county office that provides veterans' benefits services upon written request of that office. *The bill would provide that these records are not public records for purposes of the California Public Records Act. The bill would require the county*

recorder to prepare and maintain a noncomprehensive index of those recorded documents, as defined, and provide that the index is available for public inspection.

By imposing new duties on a county recorder and making it a misdemeanor to make a false declaration, this bill would create a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 6107 of the Government Code is
2 amended to read:

3 6107. (a) No public entity, including the state, a county, city,
4 or other political subdivision, nor any officer or employee thereof,
5 including notaries public, shall demand or receive any fee or
6 compensation for doing any of the following:

7 (1) Recording, indexing, or issuing certified copies of any
8 discharge, certificate of service, certificate of satisfactory service,
9 notice of separation, or report of separation of any member of the
10 ~~Armed Forces~~ *armed forces* of the United States.

11 (2) Furnishing a certified copy of, or searching for, any public
12 record that is to be used in an application or claim for a pension,
13 allotment, allowance, compensation, insurance (including
14 automatic insurance), or any other benefits under any act of
15 Congress for service in the ~~Armed Forces~~ *armed forces* of the

1 United States or under any law of this state relating to veterans'
2 benefits.

3 (3) Furnishing a certified copy of, or searching for, any public
4 record that is required by the Veterans Administration to be used
5 in determining the eligibility of any person to participate in
6 benefits made available by the Veterans Administration.

7 (4) Rendering any other service in connection with an
8 application or claim referred to in paragraph (2) or (3).

9 (b) The services referred to in subdivision (a) shall be rendered
10 upon the request of a United States official, the claimant or
11 applicant, or the guardian, conservator, or attorney of the claimant
12 or applicant, or any other person acting on behalf of the claimant
13 or applicant. A public officer or employee is liable on his or her
14 official bond for failure or refusal to render the services.

15 (c) A certified copy of any record referred to in subdivision (a)
16 shall only be furnished to:

17 (1) The person who is the subject of the record upon
18 presentation of proper photo identification.

19 (2) A spouse, child, *parent*, or legal representative of the
20 person who is the subject of the record upon presentation of proper
21 photo identification and upon submittal of a declaration regarding
22 his or her relationship to the subject of the record. *The declaration*
23 *submitted pursuant to this paragraph shall be accompanied by a*
24 *marriage certificate if the requester is the spouse of the subject of*
25 *the record, a birth certificate if the requester is a child or parent*
26 *of the subject of the record, or a certified copy of a court order if*
27 *the requester is the legal representative of the subject of the record*
28 *or the subject's estate.* A person who declares as true any material
29 matter pursuant to this subdivision that he or she knows to be false
30 is guilty of a misdemeanor.

31 (3) A county office that provides veterans benefits services
32 upon written request of that office.

33 ~~SEC. 2.—~~

34 (d) *For the purposes of the California Public Records Act*
35 *(Chapter 3.5 (commencing with Section 6250)) any recorded*
36 *discharge, certificate of discharge, certificate of satisfactory*
37 *service, notice of separation, or report of separation of any*
38 *member of the armed forces of the United States is not a public*
39 *record and may only be disclosed pursuant to this section.*

1 SEC. 2. Section 27266 is added to the Government Code, to
2 read:

3 27266. The recorder shall prepare and maintain a
4 noncomprehensive index of any discharge, certificate of service,
5 certificate of satisfactory service, notice of separation, or report
6 of separation of any member of the armed forces of the United
7 States that is recorded pursuant to Section 6107. The index shall
8 be available to the public for inspection.

9 For the purposes of this section, a noncomprehensive index
10 shall be comprised of the first, middle, and last name, the gender,
11 and the date and place of birth of the subject of the record and the
12 type of document that was recorded.

13 SEC. 3. No reimbursement is required by this act pursuant to
14 Section 6 of Article XIII B of the California Constitution for
15 certain costs that may be incurred by a local agency or school
16 district because in that regard this act creates a new crime or
17 infraction, eliminates a crime or infraction, or changes the penalty
18 for a crime or infraction, within the meaning of Section 17556 of
19 the Government Code, or changes the definition of a crime within
20 the meaning of Section 6 of Article XIII B of the California
21 Constitution.

22 However, notwithstanding Section 17610 of the Government
23 Code, if the Commission on State Mandates determines that this
24 act contains other costs mandated by the state, reimbursement to
25 local agencies and school districts for those costs shall be made
26 pursuant to Part 7 (commencing with Section 17500) of Division
27 4 of Title 2 of the Government Code. If the statewide cost of the
28 claim for reimbursement does not exceed one million dollars
29 (\$1,000,000), reimbursement shall be made from the State
30 Mandates Claims Fund.

